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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,466	12/08/1999	BRAD HANDLER	003801.P004	7716

7590 11/28/2001

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

# Office Action Summary

Application No.

09/457,466

Applicant(s)

BRAD HANDLER

Examiner

PIERRE E. ELISCA

Group Art Unit

2161

☒ Responsive to communication(s) filed on 08/08/2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**Art Unit: 2161**

**DETAILED ACTION**

***Response to Amendment***

1. This Office action is in response to Applicant's amendment filed on 08/08/2001.
2. Claims 1-6 are remained.
3. The rejection to claims 1-6 under 35 U.S.C. 103 (a) as being unpatentable over Fisher et al. (U.S. Pat. No. 5,835,896) in view of Cooper, British telecom World, 1990 as set forth in the Office action mailed on 03/29/2001 is maintained.

***Response to Arguments***

4. Applicant's arguments filed on 08/08/2001 have been fully considered but they are not persuasive.

**REMARKS**

5. In response to Claims 1-6, Applicant argues the prior art of record do not teach or suggest:
  - a. "allowing the online bidders to compete against bidders in a live auction". As the Examiner mentioned in the Office action mailed on 03/29/2001, paper # 8, page 2, this limitation is disclosed by Cooper in page 1, paragraph 9-10.

**Art Unit: 2161**

b. "Updating bidding information associated with online environment to reflect a current bid associated with the item in a live, in-person auction". However, the Examiner disagrees with the Applicant's representative because this limitation is disclosed by Copper in page 1, paragraph 9-10, it is obvious to update a current bid in order for the remote bidder to compete with bidder of live auction.

c. "Applicant argues that neither Fisher nor Cooper disclose "bidding on behalf of the online bidder against one or more live bidders that are participating in the live, in-person auction based upon the maximum proxy price". Again, the Examiner disagrees as this limitation is disclosed by Fisher in col 9, lines 1-35.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**Art Unit: 2161**

7. The prior art made of record and relied upon is considered to applicant's disclosure.
8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

"PROPOSED" or " DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth floor (receptionist ).

The Official fax Number for TC-2100 are:

After-final (703) 746-7238

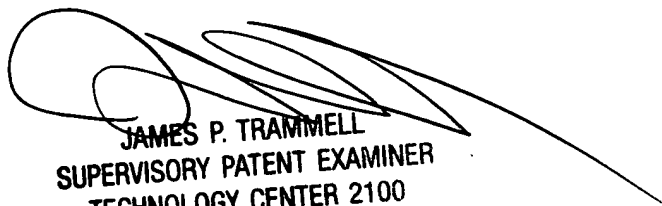
**Application/Control Number: 09/457466**


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**Art Unit: 2161**

Official (703) 746-7239

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Pierre Eddy Elisca

Patent Examiner

November 28, 2000